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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,407	10/31/2000	Steven T. Kelling	10845-131	1216

7590

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EXAMINER

FLEURANTIN, JEAN B

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 02/10/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/702,407

Applicant(s)

KELLING ET AL.

Examiner

Jean B Fleurantin

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.Claim(s) objected to: NONE.Claim(s) rejected: 1-24.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Dunworth discloses a computer-implemented method for aggregating and expressing geographically-linked data provided by a plurality of observers (see col. 6, lines 2-3), comprises the steps of providing an interactive map capable of receiving geographical location and associated data over the internet from said plurality of observers (see col. 6, lines 24-26, as the ethernet link 110 communicates with a port server 112 a web organizer server 114, an email server 116, a news server 118 and as well as other servers);

b) receiving a first geographical location and first associated data from a first observer (see col. 2, lines 45-47, as the user is presented with the option of accessing topically organized information from among several topic selections);

d) receiving a second location and second associated data from a second observer (see col. 10, lines 44-58, as the user selects a geographic area "from the decision block 205 of figure two", the system of the preferred embodiment processes this request and provides the request to a search engine which searches the geography database 210 and cooperates with the search engine in order to generate the appropriate html page for display to the user, for example such a page is depicted in figure twelve in which the geography database 210 includes the information to be displayed while another database called the yellow page list description configuration database includes the display format information and the search engine combines the information from the geography database 210 and the yellow page list description configuration database to generate the html document);


e) repeating steps c) and d) with said second location and second associated data, (see cols. 2-3, lines 65-2);

f) receiving a spatial query from a user specifying at least one location on said interactive map (see col. 13, lines 11-14, as an image map query is initiated and indicates that a reference map "i.e., either an actual map or a caricature or icon map" is associated with the specific geographic area selected by the user); and

g) providing the data records associated with the user specified at least one location (see col. 19, lines 46-50, as data stored within the geographic database 210 further includes label fields 1315 which include text fields shown to the user as folder titles "i.e., listed areas under the selected geographic area" for each of the parent geographic entries related to the current entry).

Dunworth does not explicitly disclose the step of storing said geographical location and said first associated data in a database as data records according to said geographical location. However, Dunworth, discloses the geography database 210 and the map file 425 are accessible as if they constituted a single database using industry standard image map programs and to store topical information references relating to each geographical search, see col. 13, lines 54-59. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teaching of Dunworth with storing said geographical location and said first associated data in a database as data records according to said geographical location. This modification would allow the teaching of Dunworth to improve the accuracy and the reliability of the method and apparatus for collecting and expressing geographically referenced data, and provide a geographical search area containing topical information, (see col. 3, lines 11-12).

In response to applicant's argument on page 6, that the reference(s) fails to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., wherein the data records received from the plurality of observers are the observation data being stored and retrieved from the database) are not recited in the rejected claim(s) 1. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed Cir. 1993).


SHAHID ALAM
PRIMARY EXAMINER